

1 ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

2 DEPARTMENT OF LABOR

3 OFFICE OF WORKERS' CLAIMS

4 (Amendment)

5 803 KAR 25:170. Filing of claims information with the Office [Department]
6 of Workers' Claims.

7 RELATES TO: KRS 342.038, 342.039

8 STATUTORY AUTHORITY: KRS 342.039

9 NECESSITY, FUNCTION, AND CONFORMITY: KRS 342.039 requires
10 the Executive Director [Commissioner] of the Office [Department] of Workers'
11 Claims to promulgate administrative regulations by which each insurance
12 company writing workers' compensation policies in the Commonwealth, every
13 group of self-insurers, and each employer carrying its own risk shall file detailed
14 claim information contained in the model regulation developed by the National
15 Association of Insurance Commissioners (NAIC) in conjunction with the
16 International Association of Industrial Accident Boards and Commissions
17 (IAIABC). This administrative regulation establishes the requirements for filing
18 claims information with the Office of Workers' Claims [Department].

19 Section 1. Definitions. (1) "Carrier" is defined in KRS 342.0011(6).

(2) "Executive Director [~~Commissioner~~]" means the Executive Director [~~Commissioner~~] of the Office [~~Department~~] of Workers' Claims appointed pursuant to KRS 342.228.

(3) "Data collection agent" means a business or entity that keys information in an electronic format and transmits the resulting data to a value added network used by the Office [~~Department~~] of Workers' Claims.

(4) "Value added network" means a business or entity that accepts electronic data transmissions and sorts the transmissions for delivery to various addressees.

Section 2. Reporting Requirements. (1) Beginning with work-related injuries and occupational diseases reported to employers on or after January 1, 1996, each carrier shall file the information required on the Form IA-1 with a data collection agent or a value added network designated by the Office [~~Department~~] of Workers' Claims, in electronic format, according to the time periods prescribed by KRS 342.038.

(2) Beginning with work-related injuries and occupational diseases reported to employers on or after January 1, 1996, each carrier shall file the information required on the Form IA-2 with a data collection agent or a value added network designated by the Office [~~Department~~] of Workers' Claims, in electronic format:

(a) As soon as practicable and not later than one (1) week from the date payments to an employee are commenced, terminated, changed, or resumed; and

(b) Every sixty (60) days during temporary total disability.

~~[(3)(a) Beginning July 1, 1999, for medical bills paid on or after that date, each carrier shall file a medical report containing the information extracted from the standardized uniform health claim forms.~~

~~——(b) This information shall be filed with a data collection agent or a value added network designated by the Department of Workers' Claims, in electronic format not later than three (3) weeks following payment of the bill.]~~

Section 3. Data Collection Agents. (1) If a carrier is unable to transmit the information required under this administrative regulation to a value added network utilized by the Office ~~[Department]~~ of Workers' Claims using its own facilities and resources, it shall employ a data collection agent capable of transmitting the information to a value added network utilized by the Office ~~[Department]~~ of Workers' Claims.

(2) The Office ~~[Department]~~ of Workers' Claims shall maintain a directory of authorized data collection agents.

Section 4. Acknowledgements. An acknowledgement of an accepted filing made pursuant to this administrative regulation, or a request by the Office ~~[Department]~~ of Workers' Claims for resubmission of a report due to incomplete or incorrect information, shall be made in electronic format through the same data collection agent or value added network used for the filing.

Section 5. Incorporation by Reference. (1) The following forms are incorporated by reference:

(a) Form IA-1 (October 10, 1995 edition); and

(b) Form IA-2 (October 10, 1995 edition).

(2) This material may be inspected, copied, or obtained at the Office
[Department] of Workers' Claims, Prevention Park, 657 Chamberlin [To Be
Announced] Avenue, Frankfort, Kentucky 40601, Monday through Friday, 8:00
[9] a.m. to 4:30 [4] p.m.

William P. Emrick, Executive Director
Office of Workers' Claims

Date

A public hearing on this administrative regulation shall be held on July 22, 2005, at 10:00 a.m. (EST) at the offices of the Office of Workers' Claims, Prevention Park, 657 Chamberlin Avenue, Frankfort, Kentucky 40601. Individuals interested in being heard at this hearing shall notify this agency in writing by July 15, 2005, five workdays prior to the hearing, of their intent to attend. If no notification of intent to attend the hearing is received by that date, the hearing may be cancelled. This hearing is open to the public. Any person who wishes to be heard will be given an opportunity to comment on the proposed administrative regulation. A transcript of the public hearing will not be made unless a written request for a transcript is made. If you do not wish to be heard at the public hearing, you may submit written comments on the proposed administrative regulation. Written comments shall be accepted until August 1, 2005. Send written notification of intent to be heard at the public hearing or written comments on the proposed administrative regulation to the contact person.

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